

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARL MEEKS,

Plaintiff,

v.

FCA US, LLC, and DOES 1 through 10,

Defendants.

Case No. 1:22-cv-00761-AWI-CDB

ORDER REQUIRING PARTIES TO FILE
JOINT STATUS REPORT BY NOVEMBER
1, 2022

On June 22, 2022, Plaintiff Carl Meeks filed an action against Defendants for alleged violations of the Song-Beverly Act, Cal. Civil Code § 1790 *et seq.* (ECF No. 1.) On October 26, 2022, the Court convened a scheduling conference at which counsel for Defendant appeared but counsel for Plaintiff was absent. (ECF No. 15) Accordingly, the Court continued the scheduling conference, now set for November 2, 2022, at 10:00 a.m.

In his complaint, Plaintiff pleads that venue is proper in the Central District of California and that assignment to the Eastern Division (presumably, a division of that court) is proper because “all or most of the events giving rise to Plaintiff’s claims, including entering into the warranty contract for and/or repair of the Subject Vehicle” occurred in San Bernadino County – a county that is not within the Eastern District of California. (ECF No. 1 at ¶¶ 2-3). Aside from Plaintiff’s pleading that he is a resident of Kern County, it is not clear what if any nexus this

1 action has to the Eastern District of California.

2 Given the deficiencies in Plaintiff's pleading for venue, the Court questions whether the
3 Eastern District of California is the appropriate venue for this action. Transfer of a case to cure
4 improper venue is appropriate when the transfer would be "[f]or the convenience of parties and
5 witnesses," and would also be "in the interest of justice." 28 U.S.C. § 1404(a). Courts typically
6 consider numerous private and public factors in weighing whether transfer is warranted.

7 The Eastern District of California is one of the busiest federal districts in the nation, and
8 its judicial resources are considerably strained. Given the apparent lack of connections to this
9 district and the Court's strained resources, and given that the only venue Plaintiff claims is proper
10 for this case is the Central District of California, the Court preliminarily assesses that transfer is
11 appropriate.

12 To have the benefit of the parties' views regarding venue, the Court ORDERS the parties
13 to file a joint status report **no later than November 1, 2022**, that explains their positions
14 regarding transfer to the Central District of California.

15 IT IS SO ORDERED.

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17 Dated: **October 26, 2022**

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UNITED STATES MAGISTRATE JUDGE